

Our Anti-Social Behaviour Policy

Scope

This policy sets out how Moat manages cases of anti-social behaviour (ASB) and harassment. This policy does not cover Domestic Abuse; a separate policy is in place. The Resident Alert Policy covers incidents where residents or their household members are abusive towards staff.

Moat is committed to tackling ASB and to delivering high quality ASB services in accordance with the RESPECT ASB Charter for housing. Where we have housing stock which is part of a multi-tenure community, we recognise that our commitment must cover all residents living within those areas. We will look to challenge ASB reported to us regardless of the tenure of the perpetrator and do everything that is possible in order to deliver a high quality service to all residents regardless of tenure. We recognise that our jurisdiction is limited to the contents of an individuals' tenancy agreement or lease, and to our responsibilities as the land owner.

Aims and objectives

We aim to:

- Develop and support measures to prevent ASB
- Act quickly to prevent anti-social behaviour
- Support complainants and others affected by ASB
- Support initiatives to rehabilitate perpetrators
- Work with partner agencies to tackle ASB

Statutory / regulatory issues

- Housing Acts 1996 and 2004.
- Anti-social behaviour, Crime and Policing Act 2014

Policy statement

1. Introduction

- 1.1 We believe that everyone has the right to live the way they want as long as it doesn't unlawfully spoil the quality of life of others. This means being tolerant, accepting and respecting the needs and choices of other people.
- 1.2 ASB is not acceptable and we will act quickly to deal with it when it occurs and take measures to prevent it.

2. Definition of anti-social behaviour

- 2.1 ASB is defined under S 105 (4) of the ASB Crime and Policing Act 2014 as "behaviour causing harassment, alarm or distress to members or any member of the public". For the purposes of this document, this definition has been extended to include behaviour by residents, groups of residents, members of their household or their visitors, which would generally be considered to cause annoyance, nuisance or disturbance to other people in the area.

2.2 Some examples of behaviour that would be treated as ASB include but are not limited to:

- Intimidation and harassment
- The fouling of public areas, graffiti, fly tipping and nuisance vehicles
- Actual violence against people or property
- Hate behaviour that targets members of identified groups because of their perceived difference e.g. racial harassment.
- Using or threatening to use housing accommodation to sell drugs, or for other unlawful purposes.
- Excessive noise nuisance. Not all noise nuisance is anti-social. Those noises that arise out of the ordinary and reasonable use of property are not breaches of tenancy and cannot be subject to enforcement action. Examples of noise nuisance that will not be investigated as ASB include heavy footfalls, dropping of objects/moving of furniture, lights being switched on or off, slamming doors, general talking, toilet flushes, or children playing.

Moat will not investigate normal behaviour occurring at unusual times because of different working patterns, one off parties where there is no evidence the incident will reoccur, smoking or cooking odours or clashes of lifestyle due to cultural differences.

3. Obligations of residents

- 3.1 The tenancy agreement is the legally binding contract between Moat as landlord and our residents. It sets out obligations, terms and conditions on both parties. Our tenancy agreements and leases contain specific clauses on ASB. These clauses make clear to residents what type of behaviour they are responsible for and what type of behaviour is not acceptable. Residents are responsible for the behaviour of those who live with them and visitors, this includes children.
- 3.2 We will make clear to residents from the outset whether what they are reporting to us as ASB is something that we can realistically and appropriately investigate. We will clarify our position if it is unlikely we can effectively investigate the matter if other statutory bodies are unwilling to support it. If this is the case, an explanation will be given as to why and alternatives for how the resident could deal with the issue themselves will be offered.
- 3.3 We expect residents to take responsibility for minor personal disputes with their neighbours and we will offer advice on how to approach their neighbour in the first instance in line with our 'Resolving issues the neighbourly way' publication.
- 3.4 In cases where it has been identified that there is a housing-related neighbour dispute, and both parties are willing to engage to reach a resolve, the Neighbourhood Housing Officer or Estate Manager will determine whether a referral to our mediation scheme would be appropriate.
- 3.5 We will be clear with residents if we feel another agency would be better placed to investigate their issue, for example the Police or Local Authority. We will provide advice on what agency would be more appropriate and provide their contact information, but we would expect residents to liaise directly with those agencies thereafter.

4. Prevention of anti-social behaviour

- 4.1 We will seek to develop and support measures that prevent, deter or tackle the underlying causes of ASB. They include supporting community safety initiatives and regeneration programmes.
- 4.2 We may choose to suitably adapt our properties to prevent further reoccurrence of ASB; for example we may fit spy holes to front doors. We will review this on a case by case basis.
- 4.3 We take the following actions to prevent ASB:

Rental Allocations

- We adopt lettings policies that develop and support sustainable communities and that will not always necessarily be based solely on housing need.
- Voids & Lettings Officers carry out thorough pre-tenancy checks with the local authority before arranging sign-up of new rented residents and ensure that this information is fed through to Neighbourhood Housing Officer or Estate Managers conducting sign-ups.
- Neighbourhood Housing Officers or Estate Managers ensure that new residents have appropriate support packages in place if required.
- Neighbourhood Housing Officer or Estate Managers explain tenancy conditions and obligations relating to ASB to all new residents at the time of the sign up. For leaseholders, their obligations are confirmed by our Sales & Marketing team; where a Neighbourhood Housing Officer meets a new resident on completion, they will also reiterate the lease conditions and obligations relating to ASB.
- Neighbourhood Housing Officers or Estate Managers aim to visit every new resident in his or her home within the first four weeks of the tenancy. Residents on a probationary tenancy will receive more frequent checks as per our Starter Tenancy Procedure.
- Neighbourhood Housing Officers or Estate Managers will adhere to our Starter Tenancy Procedure should a resident be found to be in breach of their probationary tenancy with us.

Diversionsary schemes

- We support initiatives that seek to have a positive impact on the behaviour of young people, including those offering educational or diversionsary schemes.
- Our charitable arm, Moat Foundation, has a key objective to support initiatives focussing on ASB diversion and community cohesion.

Designing out crime

- We support improvements to design out crime for existing housing stock and new developments. Our homes are ordinarily built to 'Secure By Design' standards.

5. Action to tackle ASB

- 5.1 We use a range of non-legal, early intervention strategies to resolve ASB, including referrals to support services, mediation, acceptable behaviour agreements, verbal and written warnings. Residents found to be engaged in ASB will also be moved down to a 3* service as per our Moat Promise process.
- 5.2 We may consider implementing legal sanctions to address ASB if all other interventions have failed. However this is not the case of ASB which endangers life or property and requires immediate legal protection. Any legal action applied for will be considered on the grounds of proportionality and will take into account a perpetrator's capacity as well as issues raised under the Human Rights Act 1998 and Equality Act 2010.
- 5.3 We may consider applying for an injunction with/without notice; with/without power of arrest and with/without an exclusion order. Where we wish to apply for an injunction affecting someone under the age of 18 we will apply via the Youth Courts and have consulted with Youth Offending Teams (YOT) and other agencies as appropriate. Where possible we will seek to make an order for positive requirements, encouraging the perpetrator to remedy their behaviours. Positive requirements are subject to feasibility and availability of additional services in the area.
- 5.4 We will seek to evict perpetrators only when other actions to tackle the anti-social behaviour have failed or where the incident is so serious there has been a danger to life or property. Where applicable and appropriate, we will apply to court for a possession order. In some circumstances, an ASB case may meet the threshold for Moat to apply for a possession order on the absolute grounds. In order to apply for possession on the absolute grounds, the perpetrator must have committed one or more of the following:
- Committed a serious offence
 - Breached their ASB injunction
 - Breached their Criminal Behaviour Order
 - Had their property be subject to a Closure Order
 - Breached their Abatement Notice

6. Working with other agencies

- 6.1 ASB cannot be dealt with by any one organisation or agency working in isolation. We work alongside other partner agencies and residents to tackle these problems together. We participate in multi-agency partnerships, within our jurisdiction as landlord, in order to achieve a co-ordinated strategy to prevent and combat anti-social behaviour.
- 6.2 We often work in areas where there are other social landlords, private landlords and homeowners. We take issues of neighbourhood management seriously and work to tackle ASB that affects our housing management functions either directly or indirectly, regardless of tenure.
- 6.3 Where applicable, we will support actions taken by other agencies to prevent reoccurrence of ASB. This includes supporting applications for a Closure Order,

Public Spaces Protection Order, Criminal Behaviour Orders and Community Protection Notices.

6.4 We reserve the right to make a referral to Social Services or the Police, including a safeguarding referral, without the permission of the complainant where the situation and provision of the Data Protection Act and any other legislation justifies it.

7. Reporting anti-social behaviour

7.1 We encourage and support residents, staff, contractors, businesses, workers and visitors where appropriate, to report problems of ASB and to work with us to resolve problems.

7.2 We believe that anyone reporting ASB plays a key role in its successful management. Complainants are expected to co-operate with reasonable requests to assist Moat to progress reports of ASB. This may mean agreeing to self-resolution actions, keeping to appointments, keeping records of incidents or taking part in mediation. We may not be able to take further action to resolve the ASB without reasonable cooperation from complainants.

Ways residents can report anti-social behaviour to Moat:

- In person at our regional office or during a scheduled visit by a member of Moat staff
- Via our Contact Centre on 0300 323 0011. Residents can report anti-social behaviour to us 24 hours a day, 7 days a week. Calls outside of usual office hours will be taken by our Out of Hours Service and reported back to the Neighbourhood Housing Officer or Estate Manager the next working day
- Via our customer portal www.moat.co.uk/mymoat
- Via our website www.moat.co.uk
- Via our dedicated ASB email address asb@moat.co.uk
- Via text by starting a message with 'ASB' and sending it to 80800

7.3 We keep records of all reports of ASB, treat them seriously and deal with them promptly and efficiently.

8. Response times

8.1 We arrange an initial interview by phone or in person with the complainant in response to all emergency cases (cases involving serious threatened or actual violence, domestic violence or hate behaviour), within 24 hours or the same day as the initial report if possible.

8.2 We contact complainants in all other cases within two working days. Emails will be responded to within five working days, in accordance with Moat's Customer Service Standards. If a face to face interview is required, we will arrange this within five working days of the initial report.

9. Supporting complainants

- 9.1 We encourage and support complainants and others affected by ASB to continue to live at home and work with us to resolve the problem, rather than to move away from the problem.
- 9.2 We keep the complainant and any witnesses informed of the progress of the case. We agree an action plan with the complainant, which will include timescales for action.
- 9.3 We arrange access to telephone and / or face to face interpreters if required.
- 9.4 We review security measures for witnesses where appropriate and ensure that they are well prepared for court. We may provide transport to court, an escort at court and follow up support if required.

10. Rehabilitation of other parties and support for vulnerable groups

- 10.1 We recognise that the majority of vulnerable people are not perpetrators of ASB and may be victims of ASB.
- 10.2 We refer other parties to appropriate support agencies where we are unable to provide support ourselves.
- 10.3 We support rehabilitation initiatives that seek to have a positive impact on the behaviour of other parties, particularly where the other party is vulnerable and / or the behaviour is a consequence of drug abuse, alcohol abuse, mental health issues or disability.
- 10.4 Where feasible and applicable, we seek to include positive requirements within any ASB injunction applications.
- 10.5 We work with other agencies such as mental health teams, drug action teams and community based organisations, to establish support packages.
- 10.6 We provide access to interpreters or information in other formats where required.

11. Employee resources for dealing with anti-social behaviour

- 11.1 Employees dealing with ASB are fully trained to investigate and manage cases. All employees will have access to up to date policies and procedures for managing ASB.
- 11.2 We may use the services of specialist ASB teams or services, where appropriate, to support our staff in resolving serious or persistent cases.

12. Protection of employees

- 12.1 We will not tolerate abuse towards our employees, resident representatives or voluntary workers.
- 12.2 We take action in accordance with our ASB policy against anybody who directs abuse against our employees, resident representatives or voluntary workers.

13. Confidentiality

- 13.1 Moat employees will deal with reports of ASB in line with the **Confidentiality Policy**. Cases will be dealt with in confidence and will be handled with discretion and sensitivity.
- 13.2 We seek the complainant's permission prior to the disclosure of information to other parties such as the other party, legal representatives or any other interested party.

14. Information exchange

- 14.1 We can provide relevant information to the Police and other statutory agencies for the purposes of reducing ASB, crime and disorder, within agreed information-sharing protocols.

15. Publicity

- 15.1 We may use publicity in successful legal action cases in order to:
- Increase community confidence.
 - Deter offenders.
 - Provide the community with the information they require to report any breaches of Anti-Social Behaviour injunctions.
- 15.2 Publicity will be considered unless the Court has imposed reporting restrictions.
- 15.3 We consider the implications of the Data Protection Act 1998 when considering whether to use publicity.

16. Monitoring

- 16.1 Neighbourhood Housing Officers or Estate Managers will record all cases of ASB on our IT system they are responsible for and monitor them regularly.
- 16.2 Reports will be presented to Housing and Customer Services Committee on a regular basis.

17. Complaints

- 17.1 Any complaints regarding the way in which we have dealt with a report of ASB will be investigated using our **Complaints Policy**.
- 17.2 We also welcome residents wishing to have their ASB case reviewed by way of the Community Trigger. Any concerns raised through the Community Trigger will be dealt with in line with the local authority procedure for that area. Guidance as defined in the Anti-Social Behaviour Crime and Policing Act 2014 can be found through the Government website
https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/352562/ASB_Guidance_v8_July2014_final_2_.pdf